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Special Litigation Counsel for
 Kimberly J. Husted, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

ECS REFINING, INC.,
 Debtor

Bankruptcy Case No. 18-22453
 Adversary No. 20-02058
 Chapter 7

KIMBERLY J. HUSTED,
 Chapter 7 Trustee for ECS Refining, Inc.

Plaintiff,

vs.

WAL-MART STORES EAST, L.P.,
 Defendant.

**STIPULATION OF DISMISSAL WITH
 PREJUDICE**

Fed. R. Bankr. P. 7041; Fed. R. Civ. P. 41(a)

1 The Stipulation of Dismissal ("Stipulation") is entered into by and between Plaintiff Kimberly J.
2 Husted as Chapter 7 Trustee of ECS Refining, Inc. ("Trustee") and Defendant Wal-Mart Stores East,
3 L.P., ("Defendant"), by and through its counsel.

4 **RECITALS**

5 WHEREAS, on April 23, 2020, the Trustee filed the Complaint to Avoid and Recover Transfers
6 Pursuant to 11 U.S.C. §§ 547, 548, 549, and 550 and to Disallow Claims Pursuant to 11 U.S.C. § 502
7 ("Complaint") against Defendant.

8 WHEREAS, Defendant and Plaintiff, by and through their counsel, reached a settlement that was
9 approved by the Court on December 11, 2020.

10 WHEREAS, in accordance with the the parties' settlement agreement, Defendant and Plaintiff,
11 by and through their counsel, have have agreed to dismiss this adversary proceeding with prejudice.

12 **AGREEMENT**

13 **NOW, THEREFORE**, the Trustee and Defendant stipulate and agree as follows: the above-
14 captioned adversary proceeding shall be dismissed, with prejudice, without costs or attorneys' fees to any
15 party, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and Rule 7041 of the
16 Federal Rules of Bankruptcy Procedure.

17
18 Stipulated and agreed by:

19
20 Dated: December 23, 2020

DIAMOND MCCARTHY LLP

21 By:

/s/Christopher D. Sullivan
CHRISTOPHER D. SULLIVAN
Special Litigation Counsel for Plaintiff Kimberly J.
Husted, Chapter 7 Trustee

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23
24 Dated: December 23, 2020

GREENBERG TRAURIG, LLP

25 By:

/s/ Sarah Goldberg
SARAH GOLDBERG (*admitted pro hac vice*)
Attorneys for Defendant WAL-MART STORES
EAST, L.P.